



Workshop Session I

Wednesday, April 27

3:15 to 5:00 p.m.

New Levee

MAKING THE RIGHT TURN

A Review of the Models for Change Effective DA Diversion Practices

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Juvenile Diversion: National Overview

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National Overview

- History of Juvenile Diversion Efforts
- Growing Interest in Diversion
- MacArthur Foundation's Models for Change Initiative: Questions from the Field

Response: Juvenile Diversion Initiative

- Establishment of Juvenile Diversion
- Review of research and literature on diversion
- Examinations of statutes across the country
- Informal survey of 36 programs in 13 states
- Input from expert advisory board

Major Findings

- Growing focus on diversion of juveniles
- Inadequate research base
- Lack of clarity about critical aspects/components of juvenile diversion programs
- Great variation across country in implementation of programs
- Often piecemeal approaches that do not consider range of issues to be addressed

Juvenile Diversion Guidebook

- Goal: to provide comprehensive and practical guidelines for the development and operation of successful juvenile diversion programs
- Offers a set of 16 interrelated steps dealing with critical questions, response options and decisions surrounding diversion

Conclusion

- No single “best” model
- Whether new or existing programs, critically important to address all steps in a comprehensive and interrelated fashion
- Extremely helpful to establish a collaborative board of key community stakeholders
- Encourage use of databases/research findings and community services inventories to guide analysis of needs and proposed solutions
- For more information, final Guidebook and accompanying Workbook contact the NCMHJJ at ncmhjj@prainc.com

BUILDING A MODEL DIVERSION PROGRAM – THE LOCAL LEVEL

AKA TRIALS AND TRIBULATIONS IN THE 4TH JDC

Role of the Prosecutor

“The prosecutor has more control over life, liberty and reputation than any other person in America.” – Robert Jackson, United States Attorney General, Member of the Supreme Court

Role of the Juvenile Prosecutor

The Prosecutor should serve as the gatekeeper to the juvenile justice system by determining who should be charged, whether charges should be declined or dismissed, whether someone is eligible for diversion or whether someone should be transferred to adult court. The decision to divert a case from prosecution is also a charging decision. It is a determination that sufficient evidence exists to file a charge in court, but the goals of prosecution can be reasonably reached through diversion. –

The Role of the Prosecutor in
Juvenile Justice – James
Backstrom and Gary Walker

Diversion in the 4th JDC

- History
- Need for Reform
- Original steps
- Models for Change Involvement

Reinventing Diversion

- P & P Manual
- Acronyms for Dummies
- ARNA vs. NCAR
- MAYSI
- CRAFFT
- JIFF

P & P Manual

The goals of the Fourth Judicial District Juvenile Services Division are:

- To reduce the number of youth referred for formal prosecution.
- To reduce the costs by decreasing the number of youth referred for court.
- To connect youth with appropriate and effective services.
- To strengthen families.
- To maintain youth who commit delinquent offenses in their community.
- To protect the interest, well-being and safety of the public
- To collect and analyze data to ensure that referral programs are effective.

P & P Manual - Eligibility

- General Criteria
- Additional Considerations
- Generally Ineligible
- Discretion of the District Attorney

ARNA vs. NCAR

- ARNA – Arizona Risk/Needs Assessment
- NCAR – North Carolina Assessment of Risk
- Choosing a tool
- Pilot results:
 - September 2010 – ARNA Pilot
 - Ten item screening – likelihood of future arrest
 - 202 youth
 - Scores from 0 – 7 (out of 10)
 - Working cutoffs:
 - 0 – 2 (Low); 3 – 4 (Moderate) and 5+ (High)

MAYSI/MAYSIWARE

- MAYSI-2 – Mass. Youth Screening Instrument-2nd Ver.
- MAYSIWARE – Software version
- Designed to identify mental health issues
- MAYSI Pilot – November 2010
- Sample of 167 youth
- 65% in Caution range
- 25% in Warning range
- Cutoff standards (PA standard) – 12.6 %

MAYSI-2 Pilot

(1/24/11 to 3/9/11)

**Sample of 59 youth, avg. age 14 yrs, 80% male,
30% White**

71% of cases scored above the caution cut-off ('clinically significant range') of at least one MAYSI-2 scale

29% of cases scored above the warning cut-off (~top 10% of youth taking the MAYSI-2) of at least one MAYSI-2 scale

Males		Females
Any Caution	70% scored above the caution cut-off of at least one MAYSI-2 scale	75% scored above the caution cut-off of at least one MAYSI-2 scale
Any Warning*	21% scored above the warning cut-off of at least one MAYSI-2 scale	58% scored above the warning cut-off of at least one MAYSI-2 scale

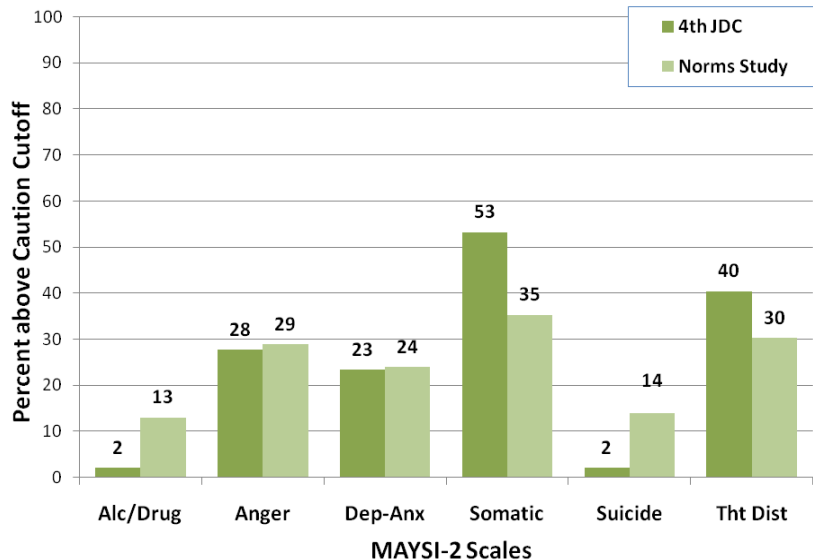
**Statistically significant difference between boys and girls on the % over warning cut-off on one or more scales.*

MAYSI-2 Pilot

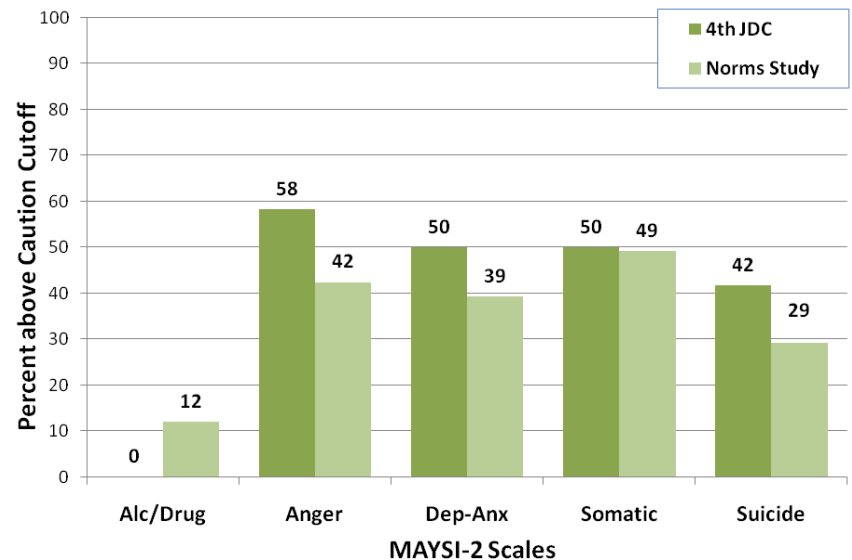
(1/24/11 to 3/9/11)

Percent 'screened in' by various criteria	Boys	Girls	Total
Over the Caution cutoff on Suicide Ideation OR over the Warning cutoff on any two scales (suggested criteria)	9.5%	17.7%	12.6%
Over the Caution cutoff on Suicide Ideation OR over the Warning cutoff on any one scale (16 th JDC criteria)	22.9%	32.3%	26.3%

Comparison of 4th JDC, LA Data to National Norms for Intake Probation--*Boys Only*



Comparison of 4th JDC, LA Data to National Norms for Intake Probation--*Girls Only*



CRAFFT Pilot

(1/24/11 to 3/9/11)

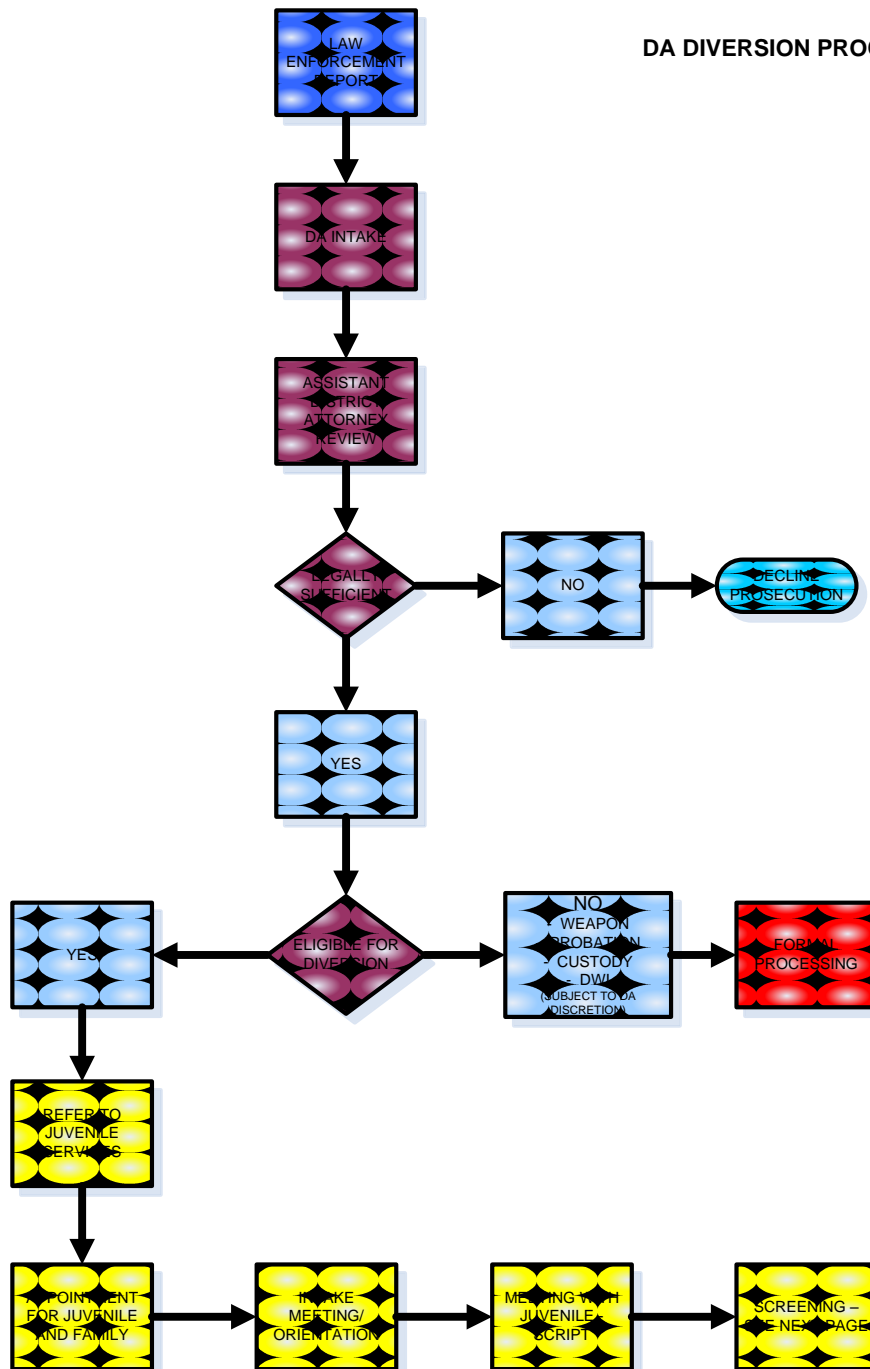
Sample of 55 of the 59 youth screened with the MAYSI-2

73% of cases did not endorse any of the CRAFFT items

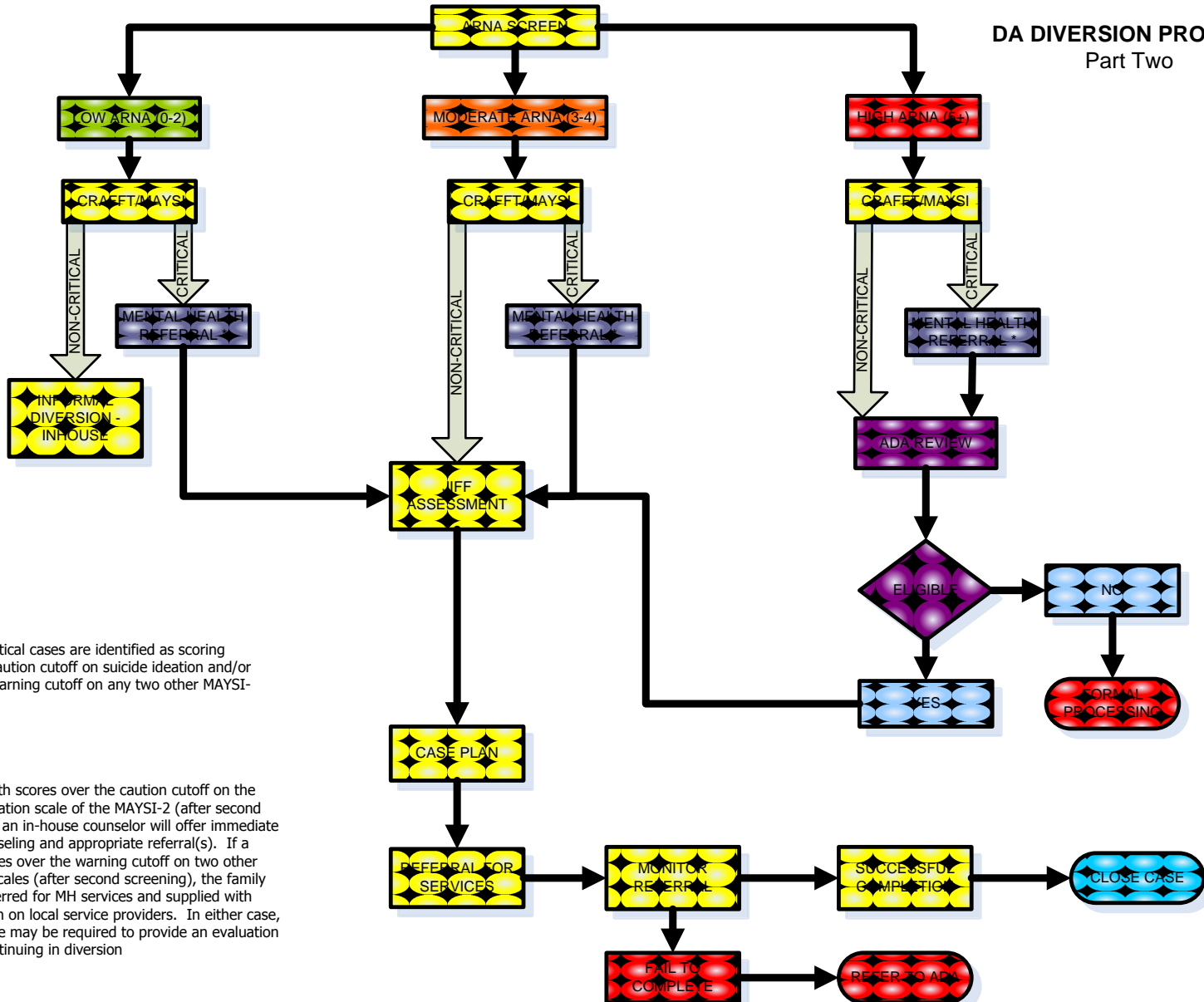
27% positively endorsed one or more items

13% positively endorsed two or more items (CRAFFT cut-off)

DA DIVERSION PROCESS



DA DIVERSION PROCESS Part Two



NOTE: Critical cases are identified as scoring over the caution cutoff on suicide ideation and/or over the warning cutoff on any two other MAYSI-2 scales.

* If a youth scores over the caution cutoff on the suicide ideation scale of the MAYSI-2 (after second screening) an in-house counselor will offer immediate crisis counseling and appropriate referral(s). If a youth scores over the warning cutoff on two other MAYSI-2 scales (after second screening), the family will be referred for MH services and supplied with information on local service providers. In either case, the juvenile may be required to provide an evaluation before continuing in diversion.

MAKING THE RIGHT TURN:

A Review of Models for Change Effective DA Diversion Practices

Louisiana Governor's Conference
On Juvenile Justice
April 27 - 29, 2011
Marriott New Orleans at the
Convention Center Hotel

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The Louisiana District Attorney's Association (LDAA) is a non-profit corporation whose mission is to improve Louisiana's justice system and the office of the District Attorney by enhancing the effectiveness and professionalism of Louisiana's district attorneys and their staffs through education, legislative involvement, liaison and information sharing.

Even before the passage of Act 1225 of the 2003 Regular Session of the Louisiana Legislature, the LDAA has collaborated with stakeholder agencies to support juvenile justice reform.

In keeping with this dedication to reform, the LDAA accepted a Models For Change grant in 2008. This grant enabled the LDAA to further enhance its role in the reform process.

The primary goals of the LDAA Models For Change Grant included:

- Evaluate the current availability of and use of diversion and community based graduated sanctions in Louisiana.
- Educate district attorneys and other juvenile justice professionals on best practices in diversion and graduated sanctions.
- Develop juvenile diversion guidelines and recommendations on graduated sanctions in Louisiana.

In order to effectively achieve these goals the LDAA developed a ten (10) member Juvenile Justice Task Force consisting of four (4) elected District Attorneys and six (6) Assistant District Attorneys.

The Task Force has been working with consultants and experts from across the country to examine and identify effective and innovative strategies of reform. Much of what I will be discussing with you is what we have learned from working with these consultants and experts.

Louisiana's District Attorneys believe in a "Balanced Approach" to the juvenile justice system which focuses on three (3) distinct, yet overlapping goals: community safety, competency development and offender accountability. Balancing each of these goals while managing limited financial resources is often a challenge. Those of us involved in the juvenile justice system clearly recognize that we are in exciting but challenging times here in Louisiana.

**16 STEPS FOR DEVELOPING
AND IMPROVING
JUVENILE DIVERSION PROGRAMS**

STEP 1 – THE OBJECTIVE

What is the purpose of developing a diversion program and how is that purpose expressed?

- Reducing Recidivism

- Providing Services

- Reducing System Costs

- Increasing Successful Outcomes

- Increased Accountability

- Avoiding Labeling Effects

- Reducing Unnecessary Social Control

STEP 2 – REFERRAL DECISION POINT

At what point, and by whom will diversion decisions be made?

Arrest or Apprehension

Intake

Petitioning

Pre-Trial Probation Contact

STEP 3 – EXTENT OF INTERVENTIONS

What degree of intervention will the program have in the life of a youth?

Warn and Release

No Conditions

Conditions and/or Services

STEP 4 - OPERATIONS

What agency will establish and maintain the program's policies, oversee its operations, provide staffing and be responsible for its outcomes?

Parish Juvenile Justice Service Agency

Community Based Service Agency

Prosecutor

Court

Law Enforcement

STEP 5 - FUNDING

How will the program be funded, both for start-up and sustainability?

Parish Juvenile Justice Service Agency

Prosecutor

Court

Law Enforcement Agency

Private Community Based Service Agency

State Substance Abuse /Mental Health Agency

State Juvenile Justice Agency

STEP 6 – REFERRAL AND ELIGIBILITY

Which youth will be eligible for diversion?

Age

Prior Offenses

Current Alleged Offense

After eligible youth have been referred, what features will determine whether they will be admitted to the program?

Risk Factors

Youth and Caretaker Decision

STEP 7 – SCREENING AND ASSESSMENT

Will screening and assessment methods be used to measure certain initial eligibility factors?

Screening-Very brief process involving ten to fifteen minutes per youth to determine which youth may need a more comprehensive review.

Risk Screening

Mental Health Screening

Substance Abuse Screening

Assessment – More comprehensive, individualized and in-depth examination of the needs and problems identified during initial screening.

When choosing a screening or assessment instrument, it is important to try to use tools that are evidence-based.

Standardized

Relevant

Reliable

Valid

STEP 8 – PARTICIPANT REQUIREMENTS

What are the programs obligations and the conditions of the youths participation?

Voluntary Consent

Participation in Screening and Assessment

Participation in Community Service Programs

Attendance at Scheduled Appointments

Participation for a Specified Length of Time

Restitution

Admission to the Illegal Behavior

Absence of New Arrests

Execution of Diversion Agreement

STEP 9 - SERVICES

If the Diversion Program will provide or refer to services, what services will be involved?

Family Interventions

Substance Abuse Intervention

Mental Health Treatment

Mentoring

Life Skills Training

Educational Assistance Programs

Job Placement Services

STEP 10 - INCENTIVES

Will the Diversion Program employ incentives to motivate youth and caretakers to make the most of the diversion opportunity? If so, what motivations will be used to maximize successful program completion?

- Expungement of Records

- Dismissal of Charges

- Reduced Program Requirements

- Other

STEP 11 - SANCTIONS

Will there be negative consequences for youth who decline to participate or who fail to comply with program requirements?

Formal Processing

Program Adjustments

Dismissal from Program

STEP 12 – PROGRAM COMPLETION/EXIT CRITERIA

How will, “successful program completion”
be defined?

Successful Completion of Program Requirements

Maximum Duration of Program

Termination Due to Failure to Abide by Conditions of
Diversion

STEP 13 – INFORMATION USE

What will be the conditions for the use of information obtained during participation in the intervention program?

Confidentiality Regarding Incriminating Statements

Confidentiality Regarding Admission of Offense

Written Policies Regarding Confidentiality

Therapist-Patient Confidentiality

STEP 14 – LEGAL COUNSEL

What role will defense counsel play in the diversion process?

No Express Provision of Counsel

Youth Entitled to Retain Own Counsel

Counsel Appointed or Made Available

STEP 15 – PROGAM INTEGRITY

How will the program maintain its quality?

Design

Stakeholder Support

Policies and Procedures

Training Curriculum

Data Collection

Quality Assurance

Internal Monitoring processes

Process Evaluation

External Monitoring Processes

STEP 16 – OUTCOME EVALUATION

What kind of record keeping and data collection is necessary to provide for periodic evaluation of the program's achievement of its goals and objectives?

- Evaluating Reduction in Recidivism

- Evaluating Provision of Services

- Evaluating Reduction in System Costs

- Evaluating Reduction in Unnecessary Social Control

- Evaluating Increased Successful Outcomes

- Evaluating Increased Accountability

We are currently at a critical juncture in the field of juvenile justice and are fortunate to have increased knowledge of what works and does not work with juvenile offenders. However, the absence of a comprehensive system of graduated sanctions make it impossible to adequately address the many needs of youthful offenders who are at risk of out-of-home placement. The inability to adequately address their needs while they remain in our communities increases the likelihood of continued aberrant behavior, recidivism and represents a clear threat to public safety.

COMMUNITY BASED GRADUATED SANCTIONS

It is clear that correctly designed comprehensive community based graduated sanctions can reduce recidivism, provide significant cost savings and protect public safety. Some possible community based graduated sanctions which should be considered are:

Home Detention programs mandate that the youth be at home unless they are at school/work or other approved locations. They require:

- daily in-person check-ins,
- regular telephone check-ins,
- random home visits.

Employment Projects which use program funds to support the employment of at-risk youth in local businesses. Employment sites usually agree to assign a mentor to the at-risk youth to guide them on the job and in the community.

Evening Reporting Centers generally operate after school and into the early evening and provide a place for troubled youth to go after school and participate in structured activities to address mental health needs and help the youth gain practical social skills.

Electronic Monitoring is typically used in conjunction with some form of house arrest. A transmitter is attached to the youth's ankle 24 hours a day that wirelessly transmits the youth's location.

Intensive Supervision is as its name implies – more frequent and intensive supervision of the youth, but it should focus on using officers trained in effective behaviors for working with youth by providing structure and face-to-face interactions with youth.